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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,290	02/13/2004	Hubert Beck	4452-592	7424
27799 7590 07/25/2007 COHEN, PONTANI, LIEBERMAN & PAVANE 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176			EXAMINER NGUYEN, XUAN LAN T	
			ART UNIT 3683	PAPER NUMBER
			MAIL DATE 07/25/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/779,290

Applicant(s)

BECK, HUBERT

Examiner

Lan Nguyen

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-7 and 9-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/15/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keijzer et al. (USP 3,954,257) in view of Funkhouser (USP 2,458,157).

Re: claim 1, Keijzer shows a piston-cylinder unit, as in the present invention, comprising a cylinder 12, a piston rod 56 having section projecting out of said cylinder as shown, said section having an end arranged distal from said cylinder, said end being threadably received in a mounting bearing 124 forming a threaded joint connecting the piston-cylinder unit to a support 110, and a bellows 78 covering said section of said

piston rod for protecting said section of said piston rod against at least one of dirt and damage, wherein an unimpeded flow connection 112, 114 is provided in the end of said piston rod, said flow connection comprising a transverse bore 114 leading to the interior space of said bellows and a longitudinal bore 112 proceeding from said transverse bore and opening outside of said bearing on said distal side of said bearing as shown in figure 4, said flow connection being permanently open and communicating freely only with an interior space defined in said bellows. Keijzer shows the flow passage 112, 114 is for flow between the interior space of the bellows and a pressurized air source while the claim requires a flow communication between the bellows chamber and the atmosphere. Funkhouser teaches that for type of shock absorbers that does not employ pressurized air, the flow passage 36, 42 simply communicates the bellows chamber to the atmosphere. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Keijzer's unit to comprise the flow passage to communicate the bellows chamber to the atmosphere instead of a pressurized air source as taught by Funkhouser to accommodate vibration absorption applications wherein the shock absorbers employ only atmospheric air as taught by Funkhouser.

Re: claims 6, 7 and 9, Keijzer shows the cylinder piston unit as claimed.

4. Claims 4, 5, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keijzer et al. (USP 3,954,257) in view of Funkhouser (USP 2,458,157) and further in view of Wode et al. (USP 5,267,725).

Re: claims 4, 5 and 11, Keijzer's unit, as modified and rejected above, lacks the bead and groove as claimed. Wode teaches the concept of a groove and bead 3 to engage the groove in the figure. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Keijzer's unit to employ the bead and groove attachment arrangement as taught by Wode to provide a more secure connection as taught by Wode. Furthermore, it is well settled that making one piece of the upper attachment part and the bearing to be old and well known knowledge.

Re: claim 12, Wode further teaches a collar 7, 8 surrounding said bead and which extends radially from said bead, portion 7, said collar having a radially outer edge portion 8 that is loaded axially against the cylinder of Keijzer.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keijzer et al. (USP 3,954,257) in view of Funkhouser (USP 2,458,157) and further in view of OE 324144.

Re: claim 10, Keijzer's unit, as modified and rejected above, lacks a weep hole. Document OE 324144 teaches a bellows 1 with weep holes 11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Funkhouser's unit to comprise weep holes as taught by document 324144 in order to quickly vent the air inside the bellows to accommodate a quick collapse of the bellows should the strut compresses too quickly.

Response to Arguments

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

7. It is noted that Applicant did not argue the well known knowledge statement in the rejection of claim 5 wherein it stated that making one piece of the upper attachment part and the bearing mounting to be old and well known knowledge. According, making one piece of the upper attachment part and the bearing mounting is considered to be admitted prior art, see MPEP 2144.03.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Makita, Zirk, Toda and Oehlerking are cited for shock absorbers with the permanently open flow passage provided in the end of the piston rods.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-7121. The examiner can normally be reached on Monday through Friday, 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Xuan Lan Nguyen/ 7-16-07
Primary Examiner
Art Unit 3683